

DASTI & STAIGER

310 Lacey Road | P.O. Box 779
Forked River, NJ 08731

☎: 609-549-8990 📠: 609-549-5043

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

In re:

Virginia Karros,

Debtor.

Chapter 13

Case No. 24-12353-CMG

Hearing Date:

Judge: Christine M. Gravelle, U.S.B.J.

NOTICE OF MOTION TO VACATE AUTOMATIC STAY ORAL ARGUMENT WAIVED

TO: Marc C. Capone
Gillman Capone, LLC
770 Amboy Avenue
Edison, NJ 08837
Attorney for Debtor

Virginia Karros
Debtor

Office of Albert Russo
Standing Chapter 13 Trustee
CN 4853
Trenton, New Jersey 08650

Denise E. Carlon
KML Law Group, PC
701 Market Street
Suite 5000
Philadelphia, Pennsylvania 19106
Representative for Creditor, PNC Bank, National Association

DASTI & STAIGER
ATTORNEYS AT LAW

310 Lacey Road | P.O. Box 779
Forked River, NJ 08731

SIR/MADAM:

PLEASE TAKE NOTICE that on February 5, 2025 at 12:00 p.m., or as soon thereafter as counsel can be heard, the undersigned attorneys for Berkeley Township ("Movant"), will move before the United States Bankruptcy Court, Honorable Christine M. Gravelle, U.S.B.J., 402 East State Street, Courtroom #3, Trenton, New Jersey 08608 for an Order Vacating the Automatic Stay under 11 U.S.C. § 362(d) with respect to real property owned by Virginia Karros ("Debtor") at 47 Selkirk Avenue, Toms River, New Jersey 08757 (the "Property"), to allow Movant to pursue recovery of unpaid property taxes and/or other remedy under state law.

The motion is based on debtor's failure to pay taxes and the inadequate protection of Movant's interest in the Property. Movant asserts that the facts and law it relies upon in making this motion are neither complicated nor unique, and therefore no brief or legal memorandum is necessary pursuant to D.N.J. LBR 9013-1.

Berkeley Township is a municipal corporation with the authority to levy and collect property taxes for the property referenced in this motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a sale of the tax certificate is commenced with respect to the unpaid property taxes referenced in this motion, the tax sale will be conducted in the name of Movant.

Movant holds a perfected lien against the property referenced in this motion for 2nd quarter, 3rd quarter, and 4th quarter property taxes pursuant to N.J.S.A. 54:5-6.

Further, pursuant to N.J.S.A. 54:5-9, Movant's municipal lien for unpaid property taxes assessed against the property referenced in this motion is given super priority over other liens against the property.

DASTI & STAIGER, P.C.
Attorneys for Movant

By: /s/ William J. Oxley
WILLIAM J. OXLEY, ESQ.

Dated: January 15, 2025

WILLIAM J. OXLEY, ESQ. [439022023]

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Chapter 13

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**CERTIFICATION REGARDING CALCULATION OF AMOUNTS DUE
(2024 4TH QUARTER, 2024 3RD QUARTER, AND 2024 2ND QUARTER
UNPAID PROPERTY TAXES)**

I, Maureen Cosgrove of full age, employed as Tax Collector for Berkeley Township

hereby certifies to the following:

1. Debtor owns the property located at 47 Selkirk Avenue, Toms River, New Jersey 08757.
2. Debtor owes the following post-petition amounts:
 - (a) \$766.24 in unpaid property taxes plus \$34.10 in unpaid interest for the 4th Quarter of the 2024 fiscal year;
 - (b) \$766.24 in unpaid property taxes plus \$68.58 in unpaid interest for the 3rd Quarter of the 2024 fiscal year;
 - (c) \$710.50 in unpaid property taxes plus \$95.56 in unpaid interest for the 2nd Quarter of the 2024 fiscal year;
 - (d) \$98.96 in costs;
3. Total Amount of Lien= \$2,540.18

I certify under penalty of perjury that the above is true.

Date: January 15, 2025

Signature

1

DASTI & STAIGER

ATTORNEYS AT LAW

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EXHIBIT A

Tax Account Maintenance

Block: 4.255 Outside Lien Bankruptcy
 Lot: 89 Tax Sale

Qualifier:
 Owner: KARROS, KEVIN G & VIRGINIA Redacted Name:
 Prop Loc: 47 SELKIRK AVE Account Id: 00007529

General		Assessed Value	Additional	Billing	Deductions	Balance	All Charges	Add/Omit	Notes
Year	Qtr	Type	Billed	Principal Balance		Interest	Total Balance		
2025		Total	1,476.74	1,476.74		.00	1,476.74		
2024	4		766.24	766.24		34.10	800.34		
2024	3		766.24	766.24		68.58	834.82		
2024	2		710.50	710.50		95.56	806.06		
2024	1		710.50	.00		.00	.00		

Other Delinquent Balances: 3,060.39 Interest Date: 01/31/25

Other APR2 Threshold Amt: 3,060.39 Per Diem: 1.1215 Last Payment Date: 02/13/2024

TOTAL TAX BALANCE DUE

Principal:	2,981.35	Penalty:	.00
Misc. Charges:	.00	Interest:	198.24
Total:		3,179.59	

* Indicates Adjusted Billing in a Tax Quarter.

Payment Window

Save Cancel Previous Next Detail Notes Verification List Help Enable Shopping Cart

Batch Id: MCTAX Payment Code: 800 Description: Stay Out of Sale Payment Date: 01/15/2025 Postmark Date: 01/15/2025

Block: 4.255 Bankruptcy Outside Lien

Lot: 89

Qual: Cert Num:

Owner: KARROS, KEVIN G & VIRGINIA Prop Loc: 47 SELKIRK AVE

File Type	Charge Type	Id	Principal	Interest	Instl Interest	Total	Code
Tax	Tax		2,242.98	198.24	.00	2,441.22	001
	Cost		.00	98.96	.00	98.96	801
	Total		2,242.98	297.20	.00	2,540.18	

Payment Amt: 2,540.18 Payment Descript:

Check 1 Amt: .00 No: Cash Amt: .00 Subtotal

Check 2 Amt: .00 No: Credit Amt: .00 Interest Date

Check 3 Amt: .00 No: Change Due: .00 01/31/2025

2540.18
good thing
1/31/25
Bank cashier's check

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UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

In re:

Virginia Karros,

Debtor.

Chapter 13

Case No. 24-12353-CMG

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CERTIFICATION OF SERVICE

1. I, William J. Oxley, Esq.:

☒ represent the Secured Creditor, Berkeley Township in the above-captioned matter.

☐ am the secretary/paralegal for Dasti & Staiger, P.C. who represents the Secured Creditor.

☐ am the _____ in the above case and am representing myself.

2. On January 15, 2025, I caused a copy of the following pleadings and/or documents to be sent to the parties listed below:

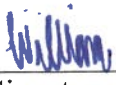
- Notice of Motion to Vacate Automatic Stay
- Certification in Support of Motion
- Certification of Movant Re: CALCULATION OF AMOUNTS DUE
- Exhibit A, Printout of Amounts Owed
- Proposed Order Vacating Stay

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3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: January 15, 2025


Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Marc C. Capone Gillman Capone, LLC 770 Amboy Avenue Edison, New Jersey 08837	Attorneys for Debtor	Regular Mail
Virginia Karros	Debtor	Regular Mail
Office of Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, New Jersey 08650	Trustee	Regular Mail
Denise E. Carlon KML Law Group, PC 701 Market Street Suite 5000 Philadelphia, Pennsylvania 19106	Representative for Creditor, PNC Bank, National Association	Regular Mail

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UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

In re:

Virginia Karros,

Debtor.

Chapter 13

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ORDER VACATING AUTOMATIC STAY

The relief set forth on the following pages, number two (2) through two (2) is hereby

ORDERED

DASTI & STAIGER
ATTORNEYS AT LAW

310 Lacey Road P.O. Box 779
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Debtors: Virginia Karros
Case No.: 24-12353
Caption of Order: ORDER VACATING AUTOMATIC STAY

THIS MATTER having been opened to the Court upon the motion of Berkeley Township ("Movant") for an Order vacating the automatic stay in effect pursuant to 11 U.S.C. § 362(a) and for good cause shown for the entry of this Order, it is hereby ordered that:

1. The automatic stay be and is hereby vacated under 11 U.S.C. § 362(d) to permit Movant, to pursue recovery of unpaid property taxes and/or other remedy under state law in connection with real property located at 47 Selkirk Avenue, Toms River, New Jersey 08757 (the "Property");
2. Movant may pursue any and all loss mitigation options with respect to the Debtor or the real property described above, including but not limited to tax certificate sale to recover the unpaid property taxes in connection with the property as outlined in the Certification regarding Calculation of Amounts Due.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

William J. Oxley Esq. (439022023)

Dasti & Staiger, P.C.

310 Lacey Road

P.O. Box 779

Forked River, New Jersey 08731

Attorneys for Secured Creditor Berkeley Township

In Re:

Virginia Karros,

Debtor.

Case No.: 24-12353

Hearing Date: February 5, 2025

Judge: CMG

Chapter: 13

Recommended Local Form

☒ Followed

☐ Modified

ORDER GRANTING MOTION FOR RELIEF FROM STAY

The relief set forth on the following page is hereby **ORDERED**.

Upon the motion of Secured Creditor Berkeley Township, under Bankruptcy Code section 362(d) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

ORDERED that the motion is granted and the stay is terminated to permit the movant to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue the movant's rights in the following:

☒ Real property more fully described as:

47 Selkirk Avenue, Toms River, New Jersey 08757

It is further ORDERED that the movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject mortgage and pursue its state court remedies including, but not limited to, taking the property to sheriff's sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the property at sheriff's sale (or purchaser's assignee) may take any legal action for enforcement of its right to possession of the property.

☐ Personal property more fully described as:

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

It is further ORDERED that the movant shall be permitted to reasonably communicate with Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable non-bankruptcy law.

It is further ORDERED that the Trustee is directed to cease making any further distributions to the Creditor.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.